



# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 26, No. 7    February 15, 2007    Pages 187-234

In this issue . . .	Page
<b>Board of Healing Arts</b>	
Notice of hearing on proposed administrative regulations .....	188
<b>Pooled Money Investment Board</b>	
Notice of investment rates.....	189
<b>Department of Administration—Division of Purchases</b>	
Notice to bidders for state purchases .....	189
<b>Department of Health and Environment</b>	
Request for comments on proposed air quality permit.....	189
Notice concerning water pollution control permits/applications .....	190
<b>Kansas State University</b>	
Notice to bidders.....	190
<b>Office of the Governor</b>	
Executive Order 07-02.....	192
<b>Legislative bills and resolutions introduced February 1-7 .....</b>	<b>193</b>
<b>Wildlife and Parks Commission</b>	
Notice of hearing on proposed administrative regulations .....	200
<b>Kansas Health Policy Authority</b>	
Notice of hearing on proposed administrative regulations .....	200
<b>City of Lenexa</b>	
Notice to bidders.....	201
<b>Temporary Administrative Regulations</b>	
Board of Hearing Aid Examiners.....	202
Kansas Lottery .....	202
<b>Permanent Administrative Regulations</b>	
Department of Health and Environment.....	214
Board of Regents .....	216
<b>Index to administrative regulations.....</b>	<b>230</b>

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
\$2	\$2	82,000	\$164,000
\$2 + \$2	\$4	28,120	112,480
\$5	\$5	26,000	130,000
\$5 + \$2	\$7	16,000	112,000
\$10	\$10	3,600	36,000
\$5 + \$5	\$10	3,600	36,000
\$2 + \$2 + \$2 + \$2 + \$5 + \$5	\$18	1,800	32,400
\$25	\$25	1,400	35,000
\$5 + \$10 + \$10	\$25	1,400	35,000
\$5 + \$5 + \$5 + \$10	\$25	1,400	35,000
\$5 + \$5 + \$5 + \$5 + \$5 + \$10	\$35	660	23,100
\$50	\$50	400	20,000
\$100	\$100	100	10,000
\$250	\$250	40	10,000
\$2,500	\$2,500	10	25,000
<b>TOTAL</b>		<u>166,530</u>	<u>\$815,980</u>

(i) Each ticket in this game may have up to six winning combinations.

(j) The overall odds of winning a prize in this game are approximately one in 3.60. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-1-19-07, Dec. 7, 2006.)

#### Article 12.—eSCRATCH GAMES

**111-12-4.** Leiszler Oil buy \$2 in eScratch tickets, get one \$1 Super Kansas Cash ticket free. During the term of this promotion at participating chain number 1011 Leiszler Oil stores, for every Kansas eScratch single ticket purchase of \$2.00 or more, a player will receive a \$1.00 Super Kansas Cash quick pick free play. Lottery terminals will automatically dispense a \$1.00 Super Kansas Cash quick pick for every \$2.00 or more eScratch single ticket purchase during the term of this promotion. The term of this promotion shall be January 1, 2007, through January 31, 2007, beginning at 5:00 a.m. each day to the close of business each day as defined in subsection (p) of K.A.R. 111-6-1, except that the executive director of the lottery may, in his sole discretion, terminate or temporarily suspend this promotion at any time. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-1-19-07, Dec. 7, 2006.)

#### Article 14.—ELECTRONIC GAME CARD GAMES

**111-14-2.** "Super 7's" electronic card lottery game number 650. (a) The lottery shall conduct an electronic card lottery game entitled "Super 7's" commencing on or after January 1, 2007. The rules for this game are contained in K.A.R. 111-13-1 *et seq.* and 111-14-2.

(b) The plays symbols for this game are 1, 2, 3, 4, 5, and 7.

(c) For this game, a play symbol shall appear in each of three liquid crystal display windows on the face of the electronic card.

(d) The card numbers in each pack of cards in this game shall start with 000 and end with 014.

(e) The price of cards sold by a retailer for this game shall be \$20.00 each.

(f) "Super 7's" is a symbol matching game whereby a player accumulates points, each point having a prize value of 25 cents. A player will activate the electronic card by removing a tab. A player may repeatedly press the "PLAY" button, which will cause a play symbol to appear in each of the three windows on the card. Each card contains a total of 80 plays with three symbols each.

(g) Points awarded on the card shall accumulate until such time as all 80 plays have been made. Points shall be awarded based on the following combination of play symbols in a single play:

Three "7" symbols	1,000 points
Three "5" symbols	200 points
Three "4" symbols	100 points
Three "3" symbols	20 points
Three "2" symbols	10 points
Three "1" symbols	5 points
Any two "7" symbols	2 points
Any one "7" symbol	1 point

(h) Each card in this game may only win one time.

(i) Approximately 120,000 cards shall be ordered initially for this game. Additional card orders shall have the same prize structure, the same number of prizes per pool of 60,000 cards, and the same odds as were contained in the initial order.

(j) The expected number and value of prizes in this game shall be as follows:

Prize	Expected Number of Prizes in Game	Expected Value in Game
\$3.00	24,000	\$72,000
\$5.00	24,000	120,000
\$5.00	16,000	80,000
\$7.00	24,000	168,000
\$10.00	8,000	80,000
\$20.00	8,000	160,000
\$40.00	8,000	320,000
\$60.00	7,220	433,200
\$100.00	480	48,000
\$500.00	300	150,000
	<u>120,000</u>	<u>\$1,631,200</u>

(k) The overall odds of winning any prize in this game are one in 1.00. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-1-19-07, Dec. 7, 2006.)

Edward Van Petten  
Executive Director

Doc. No. 034089

State of Kansas

Department of Health  
and Environment

Permanent Administrative  
Regulations

#### Article 46.—UNDERGROUND INJECTION CONTROL REGULATIONS

**28-46-2.** (Authorized by and implementing K.S.A. 65-171d; effective May 1, 1982; amended, T- 83-49, Dec. 22, 1982; amended May 1, 1983; amended, T-86-47, Dec.



19, 1985; amended May 1, 1986; amended March 21, 1994; revoked March 2, 2007.)

**28-46-2a. Definitions.** (a) The following federal regulations, as in effect on July 1, 2005, are hereby adopted by reference, except as specified:

(1) 40 CFR 124.2, except for the following terms and their definitions:

- (A) "Application";
- (B) "director";
- (C) "facility or activity";
- (D) "major facility";
- (E) "owner or operator";
- (F) "permit"; and
- (G) "SDWA";

(2) 40 CFR 144.3, except for the following terms and their definitions:

- (A) "Application";
- (B) "appropriate act and regulations";
- (C) "director";
- (D) "draft permit";
- (E) "Indian tribe";
- (F) "total dissolved solids"; and
- (G) "well";

(3) 40 CFR 144.61;

(4) 40 CFR 146.3, except for the following terms and their definitions:

- (A) "Application";
- (B) "director";
- (C) "exempted aquifer";
- (D) "facility or activity";
- (E) "Indian tribe";
- (F) "owner or operator";
- (G) "permit";
- (H) "SDWA";
- (I) "site"; and
- (J) "well"; and

(5) 40 CFR 146.61(b), except for the term "cone of influence" and its definition.

(b) In addition to the definitions adopted in subsection (a), the following definitions shall apply in this article:

(1) "Application" means the standard departmental form or forms required for applying for a permit, including any additions, revisions, and modifications to the forms.

(2) "Authorized by rule," when used to describe an injection well, means that the well meets all of the following conditions:

- (A) The well is a class V injection well.
- (B) The well is in compliance with this article.
- (C) The well is not prohibited, as specified in K.A.R. 28-46-26a.

(D) The well is not required by the secretary to have a permit.

(3) "Cone of impression" means the mound in the potentiometric surface of the receiving formation in the vicinity of the injection well.

(4) "Cone of influence" means the area around a well within which increased injection pressures caused by injection into the well would be sufficient to drive fluids into an underground source of drinking water (USDW).

(5) "Department" means the Kansas department of health and environment.

(6) "Director" means the director of the division of environment of the Kansas department of health and environment.

(7) "Fracture pressure" means the wellhead pressure that could cause vertical or horizontal fracturing of rock along a well bore.

(8) "Injection well facility" means all land, structures, appurtenances, and improvements on which one or more injection wells are located and that are within the same well field or project.

(9) "Maximum allowable injection pressure" means the maximum wellhead pressure not to be exceeded as a permit condition.

(10) "Motor vehicle waste disposal well" and "MVWDW" mean a disposal well that received, receives, or has the potential to receive fluids from vehicular repair or maintenance activities.

(11) "Secretary" means the secretary of the Kansas department of health and environment or the secretary's authorized representative.

(12) "Well" means any of the following:

(A) A bored, drilled, or driven shaft whose depth is greater than the largest surface dimension;

(B) A dug hole whose depth is greater than the largest surface dimension;

(C) a sinkhole modified to receive fluids; or

(D) a subsurface fluid distribution system. (Authorized by and implementing K.S.A. 2005 Supp. 65-171d; effective March 2, 2007.)

**28-46-25. Prohibition of unauthorized injection.**

(a) Class I and III injection wells shall not be constructed, and underground injection shall not take place, unless authorized by a permit issued by the secretary.

(b) A class V injection well shall no longer be authorized by rule if any of the following conditions is met:

(1) The well is not in compliance with this article.

(2) The well has been closed.

(3) The well has been abandoned.

(4) The secretary has issued a permit for the well. (Authorized by K.S.A. 2005 Supp. 65-171d; implementing K.S.A. 65-165 and K.S.A. 2005 Supp. 65-171d; effective May 1, 1982; amended, T-86-47, Dec. 19, 1985; amended May 1, 1986; amended March 2, 2007.)

**28-46-26.** (Authorized by and implementing K.S.A. 65-171d; effective May 1, 1982; amended, T-83-49, Dec. 22, 1982; amended May 1, 1983; amended, T-86-47, Dec. 19, 1985; amended May 1, 1986; amended March 21, 1994; revoked March 2, 2007.)

**28-46-26a. Prohibited class V wells.** The following types of class V wells shall be prohibited: (a) Motor vehicle waste disposal wells; and

(b) wells receiving untreated or inadequately treated domestic sewage, as specified in K.A.R. 28-5-5. (Authorized by and implementing K.S.A. 2005 Supp. 65-171d; effective March 2, 2007.)

**28-46-34a. Closure of class V motor vehicle waste disposal wells (MVWDW) and large-capacity cesspools.**

(continued)



(a) The following documents are hereby adopted by reference:

(1) The following federal regulations as in effect on July 1, 2005:

- (A) 40 CFR 144.12(a);
- (B) 40 CFR 144.89; and
- (C) 40 CFR 146.10(c); and

(2) "class V underground injection control motor vehicle waste disposal well (MVWDW) sampling and closure procedures," procedure # UICV-2, published by the department and dated August 2006.

(b) Each class V motor vehicle waste disposal well shall be closed in a manner that meets the requirements of all of the documents adopted by reference in subsection (a).

(c) Each large-capacity cesspool shall be closed in a manner that meets the requirements of the federal regulations adopted by reference in paragraphs (a) (1) (A), (B), and (C). (Authorized by and implementing K.S.A. 2005 Supp. 65-171d; effective March 2, 2007.)

**28-46-38. Inventory and assessment of class V injection wells.** 40 CFR 144.83(a)(1) and (a)(2)(i), as in effect on July 1, 2005, is adopted by reference. Each well owner or well operator shall submit the required inventory information to the secretary on a form provided by the department. (Authorized by and implementing K.S.A. 2005 Supp. 65-171d; effective May 1, 1982; amended, T-83-49, Dec. 22, 1982; amended May 1, 1983; amended, T-86-47, Dec. 19, 1985; amended May 1, 1986; amended March 21, 1994; amended March 2, 2007.)

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 034108

## State of Kansas

### Board of Regents

#### Permanent Administrative Regulations

#### Article 29.—QUALIFIED ADMISSION

**88-29-1. Definitions.** The following terms, whenever used in this article, shall have the meanings specified in this regulation: (a) "Accelerated course" means a course that meets all of the following criteria:

- (1) Is designed for students performing above their grade level as determined by standardized testing;
- (2) if the course is designed to be a ½-unit course, is completed in less than 40 clock-hours;
- (3) if the course is designed to be a one-unit course, is completed in less than 80 clock-hours; and
- (4) has been determined by the board of regents to include similar or greater content, depth, and complexity as a one-unit course completed in 120 clock-hours or a ½-unit course completed in 60 clock-hours.

(b) "Accredited high school" means one or more educational institutions that provide secondary instruction to students in grades 9, 10, 11, and 12 and that are designated accredited by a regional accrediting agency recognized by the United States department of education, by the Kansas state board of education, or by an agency with

standards equivalent to those of the United States department of education or the Kansas state board of education.

(c) "Admission" means the permission given by the admission officer of a state educational institution to an applicant to enroll as a degree-seeking student in a state educational institution.

(d) "Complete application file" means the entire set of the following student records that have been received in the admission office of a state educational institution:

(1) A completed application to the state educational institution;

(2) verification that all applicable application fees have been paid;

(3) an official copy of the final transcript from each high school attended, including a transcript documenting graduation from high school, or a GED certificate; and

(4) any other materials required by the state educational institution for advising or placement purposes.

(e) "Degree-seeking student" means a student who has been accepted for enrollment at a state educational institution and who has formally indicated to the state educational institution the intent to complete a program of study that is designated by the United States department of education as a program that is eligible for federal financial aid.

(f) "Earned the general educational development (GED) certificate with an overall score of not less than 50 points" means one of the following:

(1) Took the GED test on or after January 1, 2002, with an overall score of at least 2,550 points and a minimum score of 510 points on each subtest; or

(2) took the GED test before January 1, 2002, with an overall score of at least 250 points and a minimum score of 50 points on each subtest.

(g) "Institution of higher education" means an educational institution in any state, territory or country that meets all of the following criteria:

(1) Meets one of the following requirements:

(A) Offers a course of instruction designated by the United States department of education as a program that is eligible for federal financial aid; or

(B) offers a course of instruction that is equivalent to a program designated by the United States department of education as a program that is eligible for federal financial aid;

(2) is legally authorized within the state, territory, or country that appears on the transcript to provide a program of education beyond secondary education; and

(3) meets one of the following requirements:

(A) Is accredited by an accrediting agency or association that is recognized by the United States department of education or an international accrediting agency; or

(B) has been granted preaccreditation status by an accrediting agency or association that is recognized by either the United States department of education or an international accrediting agency.

(h) "Integrated course" means a course that redistributes the content of two or more qualified admission pre-college curriculum courses into a nontraditional combination. A nontraditional combination may combine the content of qualified admission algebra I and qualified ad-